

04-28-04

DAE #

PTO/SB/64 (08-03)
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
NSO-001.01 #4

First named inventor: Wai Kat Liu

Application No.: 09/858,334

Art Unit: 2641

Filed: May 15, 2001

Examiner: Not yet assigned

Title: System and Methods for Accent Classification and Adaptation

RECEIVED

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

APR 30 2004

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity - fee \$665.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$_____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of Response to Notice to File Missing Parts (identify type of reply):

☐ has been filed previously on _____

☒ is enclosed herewith.

04/23/2004 SDIRETH1 00000016 09858334

01 FC:2453

665.00 OP

B. The issue fee of \$ _____

☐ has been paid previously on _____

☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

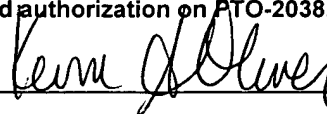
- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

April 27, 2004

Date



Signature

Telephone

Number: (617) 832-1241

Kevin A. Oliver

Typed or printed name

155 Seaport Boulevard

Address

Boston, MA 02210-2600

Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other : _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]

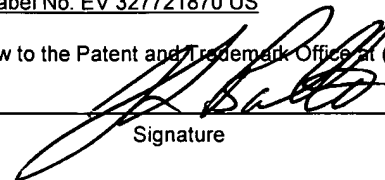
I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as Express mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Express Mailing Label No. EV 327721870 US

☐ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

April 27, 2004

Date



Signature

John Barretto

Typed or printed name of person signing certificate



#5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

APR 30 2004

OFFICE OF PETITIONS

In re Application of: Liu et al.

Serial No.: 09/858,334

Filed: May 15, 2001

For: System and Methods for Accent
Classification and Adaptation

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)

Group Art Unit: 2641

Examiner: Not Yet Assigned

Attorney Docket No.: NSO-009.01

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as express mail (Express Mail Label No. EV 327721870 US) in an envelope addressed to: Mail Stop: Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 27, 2004.


John Barretto

Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

04/29/2004 SDIRETAL 00000016 09858334

01 FC:2435
02 FC:1460

665.00 OP
130.00 OP

PETITION UNDER 37 C.F.R. § 1.47(a)

Dear Sir:

Applicants submit this Petition under 37 C.F.R. § 1.47(a) in reply to the Notice to File Missing Parts dated July 16, 2001. The Notice to File Missing Parts indicates that an executed declaration of inventors Wai Kat Liu and Pascale Fung is required to complete the filing of the application. Applicants have been unable to find or reach inventor Pascale Fung after diligent effort. Accordingly, Applicants submit this Petition to complete the filing of the application.

Pursuant to 37 C.F.R. § 1.47(a) and § 1.17(h), Applicants provide a check to cover the \$130.00 fee for consideration of this petition.

Pursuant to 37 C.F.R. § 1.47(a) and MPEP § 409.03(a), Applicants provide a declaration that is executed by inventor Wai Kat Liu with the signature block of non-signing inventor Pascale Fung left blank.

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION
USING AN APPLICATION DATA SHEET (37 CFR 1.76)**

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
- ☒ Application No. 09/858,334, filed on May 15, 2001,
- ☐ as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;


I/ we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one: Wai Kat Liu

Signature:  Citizen of: Hong Kong

Inventor two: Pascale Fung

Signature: _____ Citizen of: Hong Kong

Inventor three: _____

Signature: _____ Citizen of: _____

Inventor four: _____

Signature: _____ Citizen of: _____

☐ Additional inventors are being named on _____ additional form(s) attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Pursuant to 37 C.F.R. § 1.47(a) and MPEP § 409.03(a) and (d), Applicants state the following:

1. At the time the inventions of the present application were invented, inventor Fung was employed by Weniwen.com, Inc.

2. Applicants' Attorney obtained the last known address of inventor Fung from NuSuara Technologies Sdn. Bhd. (NuSuara), which entity is the successor-in-interest to Weniwen.com, Inc.

3. Applicants' Attorney sought to contact inventor Fung on June 20, 2003. On that date, Applicants' Attorney deposited with DHL Worldwide Express a package addressed to the last known address of inventor Fung. This package included a letter to inventor Fung and a declaration and an assignment for execution by inventor Fung. A copy of the June 20, 2003 letter to inventor Fung is attached as Exhibit A.

4. Applicants' Attorney did not receive any response from inventor Fung in reply to the June 20, 2003 letter.

5. Applicants' Attorney sought to contact inventor Fung on January 6, 2004. On that date, Applicants' Attorney deposited with DHL Worldwide Express another package addressed to the last known address of inventor Fung. This package also included a letter to inventor Fung and a declaration and an assignment for execution by inventor Fung. A copy of the January 6, 2004 letter to inventor Fung is attached as Exhibit B, and a copy of the DHL Shipment Air Waybill is attached as Exhibit C.

6. Applicants' Attorney did not receive any response from inventor Fung to the January 6, 2004 letter.

Pursuant to 37 C.F.R. § 1.47(a) and MPEP § 409.03(a) and (e), Applicants state that the last known address of inventor Pascale Fung is:

Department of Electrical and Electronic Engineering,
University of Science and Technology,
Clear Water Bay, Kowloon
Hong Kong.

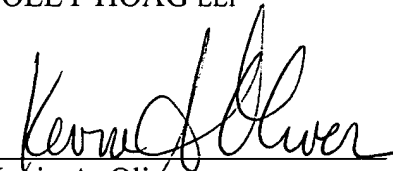
Based on the foregoing statements and the accompanying documents, Applicants request that the Commissioner grant this Petition under 37 C.F.R. § 1.47(a).

Applicants' Attorney considers this Petition to be complete. Should additional fees be required for consideration of the Petition, Applicants' Attorney requests that the additional fees be charged to **Deposit Account No. 06-1448, Reference NSO-009.01**. Further, Applicants' Attorney hereby authorizes the Commissioner to credit any overpayment to **Deposit Account Number 06-1448, Reference NSO-009.01**.

Should questions arise concerning this Petition, please contact the undersigned.

Respectfully submitted,
FOLEY HOAG LLP

Date April 22, 2004


Kevin A. Oliver
Reg. No. 42,049
Attorney for the Applicants

Customer No. 25,181
Patent Group
Foley Hoag LLP
155 Seaport Blvd.
Boston, MA 02210
Tel: (617) 832-1241
Fax: (617) 832-7000



**FOLEY
HOAG** LLP
ATTORNEYS AT LAW

EXHIBIT A

June 20, 2003

Kevin Oliver
Boston Office
617.832.1241
koliver@foleyhoag.com

Via DHL

Pascale Fung
Department of Electrical and Electronic Engineering
University of Science and Technology
Clear Water Bay, Kowloon
Hong Kong

Re U.S. Patent Application Serial No. 09/758,034; 09/758,030; 09/858,334
"System and Method for Utterance Verification of Chinese Long and
Short Keywords"; "System and Method for Speech Processing with
Limited Training Data"; and "System and Methods for Accent
Classification and Adaptation"
Filed: January 9, 2001; January 9, 2001 and May 15, 2001
Our Ref. Nos.: NSO-001.01 (24793-101); NSO-002.01 (24793-201);
NSO-009.01 -24793-901)

Dear Mr. Fung:

We represent NuSuara Technologies Sdn. Bhd.

As you may know, NuSuara Technologies recently acquired the above-identified United States patent applications that were previously owned by your former employer, Weniwen, Inc. As you likely know, you are a named inventor on these applications, and should a patent issue, your name will appear as an inventor on the issued patent.

Accordingly to U.S. law, for the subject applications to proceed, two documents must be filed with the U.S. Patent Office. First, each inventor must sign a declaration in which the inventor declares not only his/her status as an inventor, but also recognizes the other named inventors. Second, the inventors must execute assignments in which the patent rights are assigned to the employer at the time the invention was invented, which in this instance, is Weniwen, Inc. Although this may appear to be somewhat strange due to the current status of Weniwen, Inc., please know that we must connect a chain of title between yourself as the inventor, and NuSuara Technologies. That chain of title begins

20/552784.1

Pascale Fung
June 20, 2003
Page 2

with your employment agreement and your obligation to assign your inventions to Weniwen, Inc.

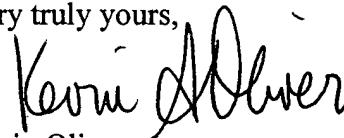
In accordance with the above, we enclose for your execution (1) Declarations of Inventorship, and, (2) Assignments to Weniwen, Inc. Please sign and date these documents where indicated by the "Sign Here" stickers.

Please also confirm that the listed country of citizenship is correct on the Declaration.

We also enclose for your convenience a return pre-paid DHL envelope. Please place the executed declarations and assignments in the return pre-paid envelope and send the same to us at your earliest convenience by providing the DHL envelope to a DHL office.

We appreciate your prompt attention to this issue. Should you have questions, please do not hesitate to contact me at (617) 832-1241, or by email at koliver@foleyhoag.com.

Very truly yours,


Kevin Oliver

KAO
Enclosures



**FOLEY
HOAG** LLP
ATTORNEYS AT LAW

EXHIBIT B

January 6, 2004

Kevin Oliver
Boston Office
617.832.1241
koliver@foleyhoag.com

Via DHL

Pascale Fung
Department of Electrical and Electronic Engineering
University of Science and Technology
Clear Water Bay, Kowloon
Hong Kong

Re U.S. Patent Application Serial No. 09/758,034; 09/758,030; 09/858,334
"System and Method for Utterance Verification of Chinese Long and
Short Keywords"; "System and Method for Speech Processing with
Limited Training Data"; and "System and Methods for Accent
Classification and Adaptation"
Filed: January 9, 2001; January 9, 2001 and May 15, 2001
Our Ref. Nos.: NSO-001.01 (24793-101); NSO-002.01 (24793-201);
NSO-009.01 -24793-901)

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20/574271.1

Pascale Fung
January 6, 2004
Page 2

with your employment agreement and your obligation to assign your inventions to Weniwen, Inc.

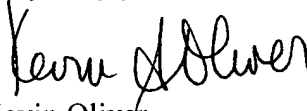
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Very truly yours,



Kevin Oliver

KAO/jyc
Enclosures

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1/31/03 6

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1. Payer account number and shipment value protection details

☐ Shipper's Reference (up to 35 characters)
 753335514
☐ Shipment Value Protection (see reverse)
☐ Yes Declared Value for Carriage (in US \$)
 155 SEAPORT BLVD
 BOSTON, MA 022102698
 Phone, Fax, or E-mail (required)
 (617) 832-1000

2. From (Shipper)

Shipper's Account Number
 753335514
 Contact Name
 Kevin O'Neil
 Company Name
 FOLEY HDAC LLP
 Address
 155 SEAPORT BLVD
 BOSTON, MA 022102698
 Phone, Fax, or E-mail (required)
 (617) 832-1000

3. To (Receiver)

Company Name
 University of Science & Technology
 Contact Name
 Pascale Fung
 Delivery Address
 5 Clear Water Bay, Kowloon
 Rep. of China
 Post/Zip Code (required)
 999038

4. Shipper's Details

Shipper's Details
 Shipper's Reference (up to 35 characters)
 753335514
 Shipper's Account Number
 753335514
 Shipper's Name
 FOLEY HDAC LLP
 Shipper's Address
 155 SEAPORT BLVD
 BOSTON, MA 022102698
 Shipper's Phone, Fax, or E-mail (required)
 (617) 832-1000

5. Full Description of Contents

Full Description of Contents
 155 SEAPORT BLVD
 BOSTON, MA 022102698
 Phone, Fax, or E-mail (required)
 (617) 832-1000

6. Dutiable Shipments Only (Customs requirement)

Attach the original and four copies of a Commercial Invoice or Pro Forma Invoice
 Export License No. (if applicable)
 U.S. Bureau of Export Administration, Division to countries contrary to U.S. law prohibited.
 U.S. Bureau of Export Administration, Division to countries contrary to U.S. law prohibited.

7. Shipper's Authorization (signature required)

Shipper's Authorization (signature required)
 Signature
 Date: 1/31/03

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456

8. Products & Services

Products & Services
☐ Domestic Express
☐ International Express
☐ Freight Forwarder
☐ Mail Boxes Etc.
☐ Other

9. DIMENSIONAL/CHARGEABLE WEIGHT

DIMENSIONAL/CHARGEABLE WEIGHT
 Length
 Width
 Height
 Weight

10. SERVICES/CHARGES

SERVICES/CHARGES
 Drop Box #
 TOTAL
 TRANSPORT COLLECT STOKER NO.

11. PAYMENT DETAILS (Check and Mark)

PAYMENT DETAILS (Check and Mark)
 No.
 Type
 Expire
 Auth.

12. PICKED UP BY

PICKED UP BY
 Route No.
 Time
 Date